IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 20997 of 2007(Y)

PETITIONER:

T.M.ABOOBACKER, S/O.MOIDEEN,
AGED 54 YEARS, THEKKINETH HOUSE, PONJASSERY,
VENGOLA VILLAGE, KUNNATHUNAD TALUK.

BY ADV. SRI.P.V.ELIAS

RESPONDENTS:
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1. **THE TAHSILDAR (RR), KUNNATHUNAD.**

2. **THE ADDITIONAL DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, ERNAKULAM**

3. **M.H.KOYAKUTTY, CHALAKAKUDY, PAZHAMTHOTTAM.**

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 20997 OF 2007

Dated this the 12th day of November, 2007

J U D G M E N T

The prayer in this writ petition is to quash Ext.P1 and to restrain the respondents from taking further steps against the petitioner on the basis of Ext.P1. The main contention raised by the petitioner is that even though petitioner is not the owner of any vehicle, revenue recovery proceedings have been initiated against him for recovery of the dues under the Kerala Motor Transport Workers Welfare Fund Scheme.

2. In view of the averments made in the writ petition, the impression given by the petitioner is that he was not the owner of the vehicle and is a total stranger, but he is being harassed by initiating revenue recovery proceedings.

3. On account of this the learned counsel for the 3rd respondent was directed to file a statement explaining the steps that have been justifying the action taken against the petitioner. In the statement so filed, it is stated that it was based on a letter dated 6.7.92 from one Mr. Kochunni, stating that he had sold the vehicle to the petitioner, proceedings were initiated against the petitioner. A provisional

determination order was passed on 13.12.93 for the period 1988-92. It is also stated that against the said order, objection was filed. Petitioner appeared before the respondent and deposed that the workers were only temporary workers. Thereafter based on the evidence collected, final determination order was passed on 19.8.95 and that was also served on the petitioner. Petitioner did not file any appeal against the final determination order and that the liability quantified as per the final determination order has become final.

4. Thus on facts, it is proved that provisional determination order was passed and an opportunity was given to the petitioner. Thereafter final determination order was passed. But he did not challenge any of these proceeding and therefore the liability has become final. If that be so, respondents cannot be faulted for the steps they have taken for recovering the amounts.

The writ petition lacks merit and is only to be dismissed and I do so.

ANTONY DOMINIC, JUDGE

vps